

\$369 Million Compensation Awarded In 2014 And 2015 To Wrongly Convicted In U.S.

By Hans Sherrer

More than \$369 million was awarded in 2014 and 2015 to people who were wrongly convicted and imprisoned in the U.S.

In 2014 \$236,202,782 was awarded to 38 people who were imprisoned for 452 years. In 2015 \$133,370,780 was awarded to 38 people who were imprisoned for a total of 484 years. A summary of the awards is in the chart below. The complete chart is online at www.justicedenied.org/2014and2015compensation.htm. The information in the chart is from data in the Innocents Database, available online at www.justicedenied.org/innocentsdatabases.htm. (Note: The word "award" is being used to include settlements, and jury, judge and administrative awards of compensation.)

There were a total of 79 compensation awards in 2014 and 2015: Three people were awarded compensation by a different jurisdiction in 2014 and 2015. There were compensation awards from two jurisdictions in 2014 to two people, and in 2015 to one person. So 73 people were awarded a total of \$369,573,562 for their 872 years of wrongful imprisonment. The average award was \$423,823 per year for 11.9 years of wrongful imprisonment.

Sixty-nine men and four women were awarded compensation. The men were awarded a total of \$364,776,562 for 833 years of wrongful imprisonment, for an average of \$437,907 per year. The four women were awarded a total of \$4,797,000 for 39 years of wrongful imprisonment, for an average of \$123,000 per year. Although the women were awarded about 28% of the yearly amount awarded to men, their crimes were very serious: two were convicted of murder, one was convicted of aiding and abetting murder, and one was convicted of conspiracy to commit robbery.

The individual awards for each year of wrongful imprisonment covered a wide range depending on the state and county/city where the person's conviction occurred. The lowest award was \$2,778 per year for Jimmy Bass' 18 years of imprisonment in Mississippi for assault and robbery: a total of \$50,000. The highest award was *937 times greater* -- \$2.6 million per year for Jeffrey Deskovic's 16 years of wrongful imprisonment for rape and murder in New York: a total of \$41,650,000.

Nine people were awarded \$1 million or more for each year of their wrongful imprisonment. Six people were awarded less than \$10,000 per year, and 17 were awarded \$50,000 or less per year.

Eleven awards were for a total of \$10 million or more. Twenty-eight awards were for \$5 million or more, 49 were for \$1 million or more, 19 were for between \$100,000 and \$1 million, 11 were for less than \$100,000, and seven were for less than \$50,000.

The most awards, 32, were in New York. Eight were in Illinois; six in Ohio; six in California; five in North Carolina; and, five in Mississippi. The 13 compensation awards by New York City was more than any entire state other than New York.

Fifty of the compensation awards involved a homicide related conviction -- 63% of the 79 awards. A total of \$303,788,698 was awarded in the homicide cases for 689 years of wrongful imprisonment. The average award was \$6,075,774 for an average of 14.06 years of wrongful imprisonment: an average of \$441,875 per year.

Fourteen of the awards involved a sexual assault related conviction -- 18% of the awards. A total of \$53,060,517 was awarded in the sexual assault cases for 114.33 years of wrongful imprisonment. The average award was \$3,790,037 for an average of 8.17 years of wrongful imprisonment: an average of \$463,897 per year.

Fifteen of the awards were to persons convicted of a variety of other offenses -- 19% of the awards. A total of \$12,724,348 was awarded in non-homicide, non-sexual assault cases for 68.5 years of wrongful imprisonment. The average award was \$848,290 for an average of 4.6 years of wrongful imprisonment: an average of \$184,400 per year.

The average time from an exoneration to a state compensation award was 4-½ years, while the average time for a successful federal lawsuit was 5-¼ years. Overall, a person was awarded compensation 4-¾ years after being exonerated.

Eight people had to wait more than ten years after their exoneration for a compensation award, with Israel Vasquez' 17 year wait after his 1997 exoneration of murder in New York the longest.

Eighteen of the 73 people falsely confessed, and two more were convicted based on the false confession of a co-defendant. So 27% the compensation awards were to a person convicted as the result of a false confession.

The leading reasons for an exoneration resulting in compensation were:

- DNA evidence: 31 cases – 39% of awards.
- Prosecution concealed exculpatory evidence (Brady violation): 11 cases – 14%.
- Prosecution presented insufficient evidence of guilt: 10 cases – 13%.
- Video or electronic evidence: 7 cases – 9%.
- Witness recanted testimony: 6 cases – 8%.

The 79 awards resulted from four different legal avenues:

- 42 U.S.C. §1983 federal civil rights lawsuit: 41 awards totaling \$314,157,500. Avg. award \$7,662,378.
- Claim under a state's wrongful imprisonment compensation statute: 32 awards totaling \$52,240,596. Avg. award \$1,632,519.
- Claim under the federal wrongful imprisonment compensation statute: 3 awards totaling \$553,000. Avg. award \$184,333.
- Malicious prosecution lawsuit under state law: 3 awards totaling \$2,622,466. Avg. award \$874,155.

The following are several general observations that can be gleaned from the compensation awards for 2014 and 2015:

- The odds are significantly higher that compensation will be awarded for a homicide or sexual assault related conviction, than for any other types of crimes.
- The average award per year of wrongful imprisonment was similar for sexual assault and homicide related exonerations.
- Men are awarded significantly more than women.
- Exonerations attributable to DNA and prosecution related errors result in more compensation awards than all other types of exonerations combined.
- Federal civil rights lawsuits overall result in significantly higher awards than state compensation schemes.

While \$369 million in compensation to 76 people is significant, it needs to be kept in mind that undoubtedly more compensation than that was actually awarded in 2014 and 2015, but the compensation to those 76 people is what is documented in the [Innocents Database](http://www.innocentsdatabase.org) as of the date of this report: June 8, 2016.



Visit the Innocents Database

Includes details about more than 6,400 wrongly convicted people from the U.S. and other countries.

www.forejustice.org/search_idb.htm

Compensation Awarded To The Wrongly Convicted In 2015

Name	Compensation	Paid By	State	Convicted	Exonerated	Years	Avg. Yearly	Compensated	Exonerated By	Crime	Sentence
Obie Anthony	8,000,000	City of Los Angeles	CA	1994	2011	17	470,588	2015	Witness recantation	Murder	Life wo parole
Darryl Austin	3,850,000	City of New York	NY	1988	2014	13	296,154	2015	Brady violation	Murder & Drugs	18 yrs to life
Devon Ayers	3,890,000	State of New York	NY	1996	2013	18	216,111	2015	Cell phone evidence	Murder	25 yrs to life
Brian Banks	142,200	State of California	CA	2002	2012	4.1	34,683	2015	Victim recantation	Rape & kidnapping	6 years
Jimmy Bass	50,000	State of Mississippi	MS	1988	2010	18	2,778	2015	Witness recantation	Assault & Robbery	50 years
Jeanie Becerra	10,000	City of Topeka	KS	2014	2014	0.02	500,000	2015	Video evidence	Disobeying police	No sentence
Kareem Bellamy	2,750,000	State of New York	NY	1994	2011	14	196,429	2015	3rd party culprit evidence	Murder	25 yrs to life
Dewey Bozella	7,575,000	Dutchess County	NY	1983	2009	26	291,346	2015	Brady violation	Murder	25 yrs to life
Michael Cosme	3,890,000	State of New York	NY	1996	2013	18	216,111	2015	Cell phone evidence	Murder	25 yrs to life
Sedrick Courtney	8,000,000	City of Tulsa	OK	1996	2012	15	533,333	2015	DNA	Robbery	30 years
Ronald Fleming	6,250,000	City of New York	NY	1990	2014	24.67	253,344	2015	Brady violation	Murder	25 yrs to life
Donald E. Gates	16,650,000	Dist. of Columbia	DC	1982	2009	27	616,667	2015	DNA	Murder & Rape	20 yrs to life
Willie Gavin	25,000	State of Wisconsin	WI	1997	2014	5.25	4,762	2015	Victim recantation	Child sexual assault	8 years
Eric Glisson	3,890,000	State of New York	NY	1997	2012	17.67	220,147	2015	Cell phone evidence	Murder	25 yrs to life
Albert Graves	221,253	State of Ohio	OH	2008	2012	4	55,313	2015	Insufficient evidence	Drugs	11 years
Robert Hill	7,150,000	City of New York	NY	1987	2014	27	264,815	2015	Witness perjury	Murder & Robbery	18 yrs to life
Teddy L. Isbell	240,000	Buncombe County	NC	2003	2015	3.5	68,571	2015	DNA and other evidence	Robbery conspiracy	3 years
Alvena Jennette	6,000,000	City of New York	NY	1988	2014	20	300,000	2015	Brady violation	Murder & Drugs	18 yrs to life
Billy Wayne Julian	3,000,000	Town of Frankton & Madison County	IN	2003	2010	2	1,500,000	2015	Brady violation	Arson	15 years
Kenneth Kagonyera	5,125,000	Buncombe County	NC	2001	2011	11	465,909	2015	DNA and other evidence	2nd degree Murder	182 months
Roger Logan	2,975,000	State of New York	NY	1999	2014	17	175,000	2015	Brady violation	Murder	25 yrs to life
Derrick Luckett	20,000	State of Mississippi	MS	2006	2007	1.5	13,333	2015	Insufficient evidence	Embezzlement	10 years
Susan Mellen	597,200	State of California	CA	1998	2014	17	35,129	2015	Unreliable eyewitness	Murder	Life
Damian M. Mills	512,500	Buncombe County	NC	2001	2015	9	56,944	2015	DNA and other evidence	2nd degree Murder	10 to 15 yrs
Arthur Morris	40,000	City of Topeka	KS	2014	2014	0.02	2,000,000	2015	Video evidence	Assault	No sentence
Matthew Norwood	50,000	State of Mississippi	MS	1995	2007	12	4,167	2015	Witness misidentification	Carjacking	15 years
Kirk L. Odom	9,200,000	Dist. of Columbia	DC	1981	2012	22	418,182	2015	DNA	Rape & Robbery	20 to 66 yrs
Carlos Perez	3,890,000	State of New York	NY	1996	2013	18	216,111	2015	Cell phone evidence	Murder	25 yrs to life
Michael Poventud	2,750,000	City of New York	NY	1997	2006	9	305,556	2015	Brady violation	Attempted murder	10 to 20 yrs
Juan Rivera	12,500,000	Lake County	IL	1992	2012	20	625,000	2015	Insufficient evidence	Murder & Rape	Life
Juan Rivera	7,500,000	City of Waukegan	IL	1992	2012	20	375,000	2015	Insufficient evidence	Murder & Rape	Life
Ronald Ross	229,000	State of California	CA	2006	2013	6.5	35,231	2015	Eyewitness recanted	Attempted murder	25 yrs to life
Rodney D. Sands	39,998	State of Mississippi	MS	2009	2011	5	8,000	2015	Insufficient evidence	Manslaughter	60 years
Bennie Starks	990,000	City of Waukegan	IL	1986	2006	20	49,500	2015	DNA	Sexual assault	60 years
Terry R. Swalley	72,532	State of Ohio	OH	2010	2011	1.26	57,565	2015	Insufficient evidence	Drug possession	2 years
Frank S. Tipton	141,097	State of Mississippi	MS	2007	2010	2.82	50,034	2015	Insufficient evidence	Extortion	1 year
Larry J. Williams	750,000	Buncombe County	NC	2002	2015	9	83,333	2015	DNA and other evidence	2nd degree Murder	10 to 15 yrs
Cathy Watkins	3,890,000	State of New York	NY	1997	2012	17.67	220,147	2015	Cell phone evidence	Murder	25 yrs to life
Robert Wilcoxson	515,000	Buncombe County	NC	2002	2011	11	46,818	2015	DNA and other evidence	2nd degree Murder	15 yrs 9 mths
Totals	\$ 133,370,780					484	275,559				

Compensation Awarded To The Wrongly Convicted In 2014

Name	Compensation	Paid By	State	Convicted	Exonerated	Years	Avg. Yearly	Compensated	Exonerated By	Crime	Sentence
David Ayers	13,200,000	City of Cleveland	OH	2000	2011	11	1,200,000	2014	DNA	Murder & Robbery	Life w/ parole
Jonathan Barr	10,000,000	State of Illinois	IL	1995	2011	19	526,316	2014	DNA	Murder & Rape	85 years
Fernando Bermudez	4,750,000	State of New York	NY	1992	2009	18.5	256,757	2014	Eyewitness recanted	Murder	23 yrs to life
Scott A. Chessman	82,000	State of Ohio	OH	2009	2010	1.2	68,333	2014	No crime committed	Failure to register as sex offender	3 years
Sedrick Courtney	175,000	State of Oklahoma	OK	1996	2012	15	11,667	2014	DNA	Robbery	30 years
Jabbar Collins	3,000,000	State of New York	NY	1995	2010	15.5	193,548	2014	Brady violation	Murder	35 yrs to life
Jabbar Collins	10,000,000	City of New York	NY	1995	2010	15.5	645,161	2014	Brady violation	Murder	35 yrs to life
Caramad Conley	3,500,000	City of San Francisco	CA	1994	2011	19	184,211	2014	Brady violation	Murder	Life w/ parole
Michael A. Crooker	172,465.75	U. S. Government	US	2006	2010	3.45	50,000	2014	No crime committed	Felon w/firearm	21 yrs 10 mths
Jeffrey Deskovic	41,650,000	Putnam County	NY	1991	2006	16	2,500,000	2014	DNA	Rape and Murder	15 yrs to life
Jose Luis Diaz	305,300	State of California	CA	1984	2012	8.4	36,345	2014	Perpetrator identified	Sexual Assault	15 years
Shawn Drumgold	5,000,000	City of Boston	MA	1989	2003	14	357,143	2014	Brady violation	Murder	Life w/ parole
Mario Fortunato	300,000	State of New York	NY	2008	2010	1.83	163,934	2014	Insufficient evidence	Murder	25 yrs to life
Donald E. Gates	1,350,000	U. S. Government	US	1982	2009	27	50,000	2014	DNA	Murder & Rape	20 yrs to life
Daniel Gristwood	7,300,000	State of New York	NY	1996	2005	9	811,111	2014	Perpetrator confessed	Attempted Murder	12 to 25 yrs
James Harden	10,000,000	State of Illinois	IL	1995	2011	19	526,316	2014	DNA	Murder & Rape	80 years
Dennis Halstead	18,000,000	Nassau County	NY	1986	2005	18	1,000,000	2014	DNA	Murder & Rape	33 yrs to life
Anton McCray	7,125,000	City of New York	NY	1989	2002	6.5	1,096,154	2014	DNA	Rape & Robbery	5 to 10 yrs
Martin Nnodimele	450,000	State of New York	NY	2008	2012	3.8	118,421	2014	Police misconduct	Robbery	10 years
Kirk L. Odom	1,100,000	U. S. Government	US	1981	2012	22	50,000	2014	DNA	Rape & Robbery	20 to 66 yrs
Christopher Parish	4,900,000	City of Elkhart	IN	1996	2006	10	490,000	2014	DNA	Robbery	30 years
David Ranta	6,400,000	City of New York	NY	1991	2013	22.67	282,311	2014	Police misconduct	Murder & Robbery	37 years
John Restivo	18,000,000	Nassau County	NY	1986	2005	18	1,000,000	2014	DNA	Murder & Rape	33 yrs to life
Kevin Richardson	7,125,000	City of New York	NY	1989	2002	6.5	1,096,154	2014	DNA	Rape & Robbery	5 to 10 yrs
Yusef Salaam	7,125,000	City of New York	NY	1989	2002	6.5	1,096,154	2014	DNA	Rape & Robbery	5 to 15 yrs
Raymond Santana	7,125,000	City of New York	NY	1989	2002	6.5	1,096,154	2014	DNA	Rape & Robbery	5 to 10 yrs
Shainnie Sharp	4,000,000	State of Illinois	IL	1994	2011	7	571,429	2014	DNA	Murder and Rape	20 years
Debra K. Shelden	300,000	State of Nebraska	NE	1990	2009	4	75,000	2014	DNA	Aiding & abetting 2nd-degree Murder	10 years
Forest Shomberg	20,000	State of Wisconsin	WI	1993	1999	6	3,333	2014	Witness misidentification	Sexual Assault	12 years
Thomas Siller	650,000	City of Cleveland	OH	2001	2011	6.5	100,000	2014	DNA	Murder	30 yrs to life
Martin Tankleff	3,370,000	State of New York	NY	1990	2008	17	198,235	2014	New third-party culprit evidence	Murder	50 yrs to life
Robert Taylor	10,000,000	State of Illinois	IL	1995	2011	19	526,316	2014	DNA	Murder & Rape	80 years
Jackob Trakhtenberg	503,000	Deborah McKelvy	MI	2006	2013	6.5	77,385	2014	Ineffective counsel	Child sex abuse	15 years
Israel Vasquez	4,900,000	City of New York	NY	1995	1997	12	408,333	2014	Insufficient evidence	Murder	25 yrs to life
Israel Vasquez	1,800,000	State of New York	NY	1995	1997	12	150,000	2014	Insufficient evidence	Murder	25 yrs to life
Robert Lee Veal	6,000,000	State of Illinois	IL	1995	2011	11	545,455	2014	DNA	Murder and Rape	20 years
Maxwell Verkuilen	25,017	State of Wisconsin	WI	2004	2007	3.08	8,114	2014	Ineffective counsel	Sexual Assault	7 years
Kharey Wise	12,250,000	City of New York	NY	1989	2002	13	942,308	2014	DNA	Rape & Robbery	5 to 15 years
Antonio Yarbough	3,600,000	State of New York	NY	1994	2014	22	163,636	2014	DNA	First-degree murder	75 years
Walter Zimmer	650,000	City of Cleveland	OH	2001	2011	6.5	100,000	2014	DNA	Manslaughter	10 years
Totals	236,202,782					452	522,573				